

## **Meeting Minutes**

### **Ecological Resources Committee August 24, 2004**

#### **Attendees and Introductions**

Dan Corcoran (EID), Thomas Cumpston (EID), Shelly Hatleberg (EN2 Resources), Tom Henie (Kirkwood Meadows PUD), Alice Howard (Individual), Cheri Jagers (EID), Andee Leisy (AKT Development), Rick Lind (EN2 Resources), Len Marino (EID), Don Pearson (EID), Dave Powell (EID), Carrie Rasmussen (EID), Norbert Rupp (League to Save Sierra Lakes), Steve Setoodeh (EID), Bill Slightam (EID), Chris Shutes (Individual), Richard Wentzel (Individual/East Silver Lake Improvement Association), Leonard Turnbeaugh (Public Works Alpine County), Jann Williams (U.S. Forest Service)

#### **Welcome and Previous Meeting Minute Review**

The Ecological Resources Committee (ERC) meeting convened on Tuesday, August 24, 2004, at approximately 9:08 a.m. at the offices of the El Dorado Irrigation District (EID).

The draft meeting minutes from the June 22 meeting were distributed. Richard Wentzel (ERC member) clarified that the old Boy Scout Campground is dry and dusty, not a suitable habitat for frogs. Richard may have been referring to the Campfire Girl Campground at Squaw Creek, where there are frogs going up to Granite Lake.

Alice Howard (ERC member) expressed comments regarding the length of the minutes. Some statements in the minutes contribute nothing to the general sense of what is going on. Chris Shutes (independent, fisheries advocate) would like future meeting minutes earlier in the cycle allowing members more review time. Chris requested that typos, grammatical, and data fact errors be corrected prior to distribution. Cheri Jagers (EID, Project 184 Coordinator) will edit the minutes. The Committee will defer approval until appropriate changes have been made.

#### **ERC Website**

Water storage, water flow, reports, studies, and ERC meeting minutes and agendas can be accessed from the EID website. Go to [www.eid.org](http://www.eid.org), select Project 184. To view meeting minutes and agendas, select "What's New" from the left menu. In this section meeting agendas and previous meeting minutes can be viewed by date. For water storage and flow data, select "Current Water Data" on the left menu; current and historical hourly water flow records can be viewed. Future ERC meeting dates are located on the "Project 184 Calendar" on the left menu.

## **Project 184 Update**

Bill Slightam (EID Hydrographer) gave an update on Project 184 water flow and storage. The Powerhouse was shut down on August 13, 2004, due to water shortages. The American River bypass flow below the Kyburz diversion dam is currently at 50 cfs with low buffers on 3cfs or over. The canal is losing 1 cfs to 10 cfs depending on heat and evaporation. Main draw is currently coming from Caples Lake, with 60 cfs out-flow now. The spreadsheet hand-out shows the current and projected water storage and elevations for the project Lakes. Lake Aloha's usable storage is currently at zero. Water diversion from the South Fork American River for consumptive use is down to 29 cfs. This is considered to be a dry year. Bill has observed streams that are normally running year round and are now dry.

## **Alder Reservoir Feasibility Study Update**

David Witter (EID, Director, Department of Water Policy Coordination and Special Projects) updated everyone on the legislative bill H.R. 3597. This bill authorizes the Secretary of Interior through the USBR to conduct a feasibility study on Alder Creek storage and conservation project. This study will explore the feasibility of storing water for use (recreation, creek/fish flows, irrigation, etc) during dry and critical dry periods. Since the last ERC meeting, the House Resources Committee held a hearing on July 14, 2004, passing the bill out to the floor. The bill was slightly amended and is currently waiting for action from the House floor.

H.R. 3597 is funded 50% by the Federal Government up to \$500,000, with a \$1,000,000 projected total cost.

Alder Creek is the only focus of this study. The study may include reviewing different sizes for the reservoir.

## **Lake Aloha Trout Removal**

Shelly Hatleberg (EN2 Resources) spoke about the Lake Aloha trout removal. Shelly stated that the plan from the previous meeting was approved after incorporating comments from the U.S. Forest Service (USFS) and California Department Fish and Game (CDFG). The EN2 Survey Team will be performing the initial survey and trout removal work at Lake Aloha on Monday, August 30, 2004. Condition 33 of the relicensing agreement is the determining criteria for pools and ponds to be surveyed. Gill nets will be used to capture any trout. Len Marino (EID, Co-Head Hydro and Watershed Division) stated that Lake Aloha did not spill this year. The Lake Aloha pond below auxiliary Dam 6 is reported to be the largest pond.

## **League Settlement**

Tom Cumpston (EID, General Counsel) reported that an almost complete settlement agreement with the League to Save Sierra Lakes and all its allies was reached in January this year. An addendum has now been agreed upon by all parties, including EID and all parties in litigation, and the January agreement and addendum have been filed in

Sacramento Superior Court. On August 2, 2004, the EID Board of Directors approved the resolution that was called for in the January settlement agreement.

As a condition of the agreement, Kirkwood Meadows PUD has received \$75,000 each from the El Dorado County Water Agency and EID for the fishery enhancement fund. All three defendants will be credited on signage, however. AKT Development's attorneys have transmitted the check for attorney fees to Mr. Volker. Except for a technical glitch at the El Dorado County courts, (they did not accept the dismissal because the form stated a complaint instead of a petition was being dismissed) all cases have been dismissed. All acts that needed to be completed within 30 days of the effective date of the agreement have been accomplished.

Under the settlement agreement the ERC can add members by unanimous agreement. Prospective members must possess particular knowledge, interest, and or expertise that are considered valuable to the ERC and will sign the settlement agreement indicating their support and commitment to the provisions of the agreement. At the suggestion of an ERC member, Tom Cumpston polled the ERC, via email, as to their acceptance of three potential members. Responses in support or membership for all three organizations were received from the following members: EDCWA, Amador County, and Trout Unlimited. Non-members supporting the addition included: CDFG, U.S. Forest Service, and the National Park Service. No responses were received in non-support.

A vote was conducted for the membership of the East Silver Lake Improvement Association in the ERC based on their knowledge, interest, and/or expertise to be brought to the Committee. Tom Cumpston moved that the group be added to the ERC, seconded by Alice Howard (ERC member). As none opposed, by unanimous assent the East Silver Lake Improvement Association has joined the ERC. EID will prepare a signature page for an ESLI representative.

A vote was conducted for the membership of the Kirkwood Meadows PUD and League to Save Sierra Lakes Association in the ERC based on their knowledge, interest, and/or expertise to be brought to the Committee. Tom Cumpston moved to approve their request to join the ERC, seconded by Leonard Turnbeaugh (Public Works Alpine County), none opposed, by unanimous assent for the addition of these two memberships. Once signatures are obtained from the new members, said signatures will be filed with FERC.

### **Status on Fisheries Enhancement Fund**

Fish Enhancement (Tom Henie, Kirkwood Meadows Public Utility District) \$150,000 to fund fish planting at Caples and Silver Lake for the next 10 years. Mr. Henie met to determine the type/size of fish and timing of plantings. The Fish Enhancement Fund Committee is working with US Bank to set up the appropriate account for the funds. The Committee needs to develop final plans and get contracts signed. First fish planting may be next year (2005). Chris Shutes supported holding off until next year, to avoid administrative confusion and increase fish survival rate. Tom Henie stated that the Committee will meet at least twice a year and update the ERC after meeting. A meeting will be held during the afternoon of the October ERC meeting. The expenditure timeline for the fish plantings should begin 2005 and will map out for the next 10 years. The fishery contract is awaiting signature and should be ready by the next meeting.

### **Draft Flowchart – Study Plans**

Cheri Jagers presented a draft flowchart for the approval of study plans. Cheri will continue to explore software programs to best track the progress of Project 184 relicensing projects and 4(e) conditions. Richard Wentzel asked for confirmation that all studies and conditions within the settlement agreement be tracked. Cheri confirmed this fact. Richard suggested consulting with Stafford Lehr (CDFG) and other agencies to ensure that no studies are missing or need to be added to the study plan tracking.

### **Project Approval Protocol**

The Trails and Transportation Plan and Lake Aloha Trout Survey and Removal Plan are nearly complete, but have not been officially approved by the ERC and regulating Agencies. EID would like to formalize a process for the ERC and regulating Agencies to approve all plans. Southern California Edison's and other Hydro projects will be reviewed so that EID and the ERC can develop operational and approval protocols. Dan Corcoran (EID, Environmental Compliance) commented that protocols at other Hydro Projects he had worked with included operating procedures for the ERC.

Len Marino suggested EID could prepare the plans and take them to the various boards for their blessing and bring it back to the ERC. The ERC could also provide input before taking the plans to the agencies for approval. Alice Howard suggested that the ERC review projects/plans prior to Agency submittal. After the Agency has approved a plan, the window for input may be lost. Len Marino expressed that with a procedure which involves the ERC and agencies at the early stages may make the approval process only a formality. Agencies could have early input and could be used as a resource.

### **Spillway 20 Mitigation Review**

Len Marino reported that EID consulted with USFS, CDFG, SWRCB, and successfully negotiated a compromise for Spillway 20. EID will install a fish and aquatic life "friendly" culvert for passage between the American River and Bull Creek. The culvert will also need to pass a sediment load and a monitoring plan will be developed. Spillway 20, which would divert tunnel water down Bull Creek, will be used only under emergency conditions. Richard Wentzel asked question about the sag portion in the tunnel. Len explained that the tunnel contains a defective sag section, which cannot pass ice. The velocity of water back up caused by an ice plug in the sag cannot be absorbed by the flumes resulting in the need for Spillway 20.

### **Future ERC Meetings**

It was suggested that the 2005 ERC meeting schedule be changed from bi-monthly to quarterly. Cheri Jagers discussed the proposed meeting schedule with quarterly meetings on the last Tuesday of every third month (*January, April, July, October*).

Chris Shutes asked if there could be an annual report prepared at the April meeting. Other ERC members concerns included: runoff data could be available at the April meeting, January could be dedicated to the study plans and the new FERC license, May meeting should happen late in the month for lake level reports.

It was proposed (with no objections) that the 2005 ERC meetings be held in February, May, August, and October. Annual reports would be presented at the February meeting. February would be a two day meeting format. Day one will consist of committee meetings with results reported at the full ERC meeting on the second day. This meeting could serve as a launching board for several projects, especially the 2005 February meeting with the new license. Cheri will select calendar dates for the 2005 meetings for the ERC's review.

### **Silver Lake Bear Concerns**

Don Pearson (EID, Director of Recreation) gave an update on the recent bear visits and resulting damage to campers' personal property at the Silver Lake Campgrounds. Several bear sightings have been noted. A mother bear with 2 cubs has stopped visiting the campgrounds, but a male bear still continues. In response, EID has established a bear team, posted signs, installed bear proof lockers, and trash containers. EID continually contacts and educates all campers. The east campground (USFS concessionaire) has not yet installed bear lockers. The Forest Service has been issuing citations to visitors for improper food storage. Fish and Game has not shown an interest in moving bears. As Leonard Turnbeaugh expressed, this is a people problem, not a bear problem.

Meeting adjourned at 10:30 a.m.

### **Next meeting**

October 26, 2004, 9:00 a.m., at EID Headquarters Bldg.